

REMARKS

This paper is being filed in accordance with 37 C.F.R. §§ 1.121(i) and 1.173(b)-(e) and (g), and concurrently with a “Reissue Patent Application Transmittal (PTO/SB/50)” requesting the U.S. Patent and Trademark Office to reissue U.S. Patent No. 6,648,866 B2 (hereafter “the ‘866 patent”).

Set forth below pursuant to 37 C.F.R. § 1.173(c) are statements of the status of all of the patent claims and all of the added claims, and an explanation of the support in the disclosure of the patent for the added claims.

I. Status of Claims Presented for Consideration

Original claims 1-17 of the ‘866 patent are presented in double column form in accordance with 37 C.F.R. §1.173(a)(1). New claims 18-48 are added herein. Consideration and allowance of all pending claims (i.e., claims 1-48) are respectfully requested.

II. Summary of the Amendments

The ‘866 patent issued with seventeen claims (i.e., claims 1-17). None of these claims has been amended.

Claims 18-48 are being added by this paper.

III. Explanation of Support in the Disclosure for the New Claims

Each of these newly-added claims finds written description support pursuant to 35 U.S.C. § 112 in the application as originally filed and in the ‘866 patent as issued. The following explanation of support is provided to assist the Examiner, but does not purport to detail each and every recitation of support found in the specification for the relevant claim element(s). For the sake of convenience, the applicants will refer herein to the ‘866 patent by column and line number (and to the drawing figures where appropriate) to show such written description support. The applicants will be pleased to provide parallel citations to the application as filed upon request thereof by the examiner.

A. Elements common to new independent claims 20, 21, 27, 33, 41 and 47:

Support for the "topsheet" in each of the newly added independent claims can be found at Column 4, line 24.

Support for the "backsheet" in each of the newly added independent claims can be found at Column 4, line 25.

Support for the "fastening device for joining at least a portion of the first waist region with at least a portion of the second waist region" can be found at Column 6, lines 47-51.

Support for the "the fastening device" including "at least one first fastening member" and "at least one second fastening member" can be found at Column 6, lines 59-62.

Support for the "first fastening member" joined to "the first waist region" can be found at Column 7, lines 24-25.

Support for the "second fastening member" joined to "the second waist region" can be found at Column 10, lines 11-13.

B. Other Elements/Limitations:

Support for the "releasable tab to tab bond between the first tab and the second tab" of claim 20 can be found at Column 9, lines 1-4.

Support for the "gripping means" of claim 20 can be found at Column 9, line 66, to Column 10, line 2.

Support for the "first tab fastening element and the at least one second tab fastening element are configured to provide fastening engagement with the second fastening member" of claims 20 and 27 can be found at column 10, lines 12-27.

Support for the "first tab" and the "second tab" of claims 20, 21, 27, 33 and 41 can be found at Column 7, lines 42-44.

Support for the "first tab fastening element" of claims 20, 27 and 47 can be found at Column 7, lines 58-60.

Support for the "second tab fastening element" of claims 20, 27 and 47 can be found at column 8, lines 7-9.

Support for the "mechanical bond" between "the first tab" and "the second fastening member" and "prefastening the first waist region and the second waist region to form at least one leg opening . . . " of claims 18, 21, 27, 33, 41 and 47 can be found at Column 12, lines 14-24, and at Fig. 2.

Support for the "at least one stored landing zone" of claims 21 and 27 can be found at Column 8, lines 40-45.

Support for the "first and second waist regions are more than about 10% elastomeric or extensible under a load of about 80 grams force/centimeter or greater" of claims 21, 27, 33 and 47 can be found at the column 13, lines 26-30.

Support for the "releasable storage fastening bond" between "the second tab" and the "stored landing zone" to maintain the "first fastening member in a stored position" of claims 21, 27, 33 and 47 can be found at Column 9, lines 31-39.

Support for the "releasable bond" between the second tab and the second fastening member of claim 41 can be found at Column 9, lines 31-39.

Support for the "first fastening member" joined to "the first waist region" of claims 19, 22, 29 and 34 can be found at Column 7, lines 24-25.

Support for the "second tab partially attached to" and "extending laterally from the first tab" of claims 21, 27, 33 and 41 can be found at Column 8, lines 25-39, and at Figs. 3, 4, 5, 6A and 6B.

Support for the "first tab includes a first tab fastening element, and the second tab includes a second tab fastening element" of claims 23, 37 and 42 can be found at Column 7, lines 42-44 and 58-60, and at Column 8, lines 7-9.

Support for the "first tab fastening element forms the releasable mechanical bond with the at least one second fastening member" of claims 24, 30, 38 and 43 can be found at Column 10, lines 44-48.

Support for the "second tab fastening element forms the releasable storage fastening bond with the at least one stored landing zone" of claims 24, 30, 38 and 43 can be found at Column 9, lines 31-33.

Support for the "releasable storage fastening bond" formed from materials selected from the group comprising "adhesives, cohesives, hook materials, loop materials, and combinations thereof" of claims 25, 31, 39 and 46 can be found at Column 9, lines 40-45.

Support for the "releasable mechanical bond" created by "ultrasonic energy, pressure, thermal energy or a combination thereof" of claims 26, 32, 40 and 45 can be found at column 12, lines 21-23.

Support for the "second waist hoop is smaller than the first waist hoop" of claim 28 can be found at Column 12, lines 54-58.

Support for the "first fastening member has an elastic portion and an inelastic portion" of claim 35 can be found at Column 7, lines 32-33.

Support for the "first fastening member has an extensible portion and an inextensible portion" of claim 36 can be found at Column 7, lines 32-33.

Support for the "second releasable bond is between the second tab fastening element and the second fastening member" of claim 44 can be found at Column 9, lines 31-39.

Support for the "second fastening member" joined to the second waist region and including a first "zone" and a second "zone" of claim 47 can be found at Column 7, lines 15-20.

Support for "the first zone" disposed a first distance from the longitudinal axis and "the second zone" disposed a second distance from the longitudinal axis can be found at Column 7, lines 15-20 and in Fig. 2.

No new matter is introduced by the entry of new claims 18-48 because each of the newly-added claims finds written description support in the disclosure of the '866 patent (and also in the disclosure of the application as originally filed) pursuant to 35 U.S.C. § 112. Accordingly entry of the new claims is respectfully solicited.

CONCLUSION

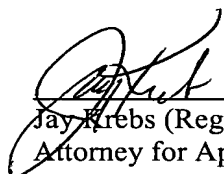
In view of the foregoing, entry of new claims 18-48, and consideration and allowance of all pending claims 1-48 are respectfully requested.

Should the examiner wish to discuss the foregoing, or any matter of form or procedure in an effort to advance this application to allowance, he/she is urged to contact the undersigned attorney.

Respectfully submitted,

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